

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RUPERT GREEN,

Plaintiff,

-against-

THE DEPARTMENT OF EDUCATION OF THE CITY
OF NEW YORK; CARMEN FARINA, Former
Chancellor, Sued Individually and Officially,

Defendants.

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**DECLARATION OF
ASSISTANT CORPORATION
COUNSEL SHAINA WOOD IN
REPLY TO PLAINTIFF'S
OPPOSITION TO
DEFENDANTS' MOTION TO
DISMISS THE COMPLAINT**

18-CV-10817 (AT) (GWG)

SHAINA WOOD, declares that the following is true and correct under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I am an Assistant Corporation Counsel in the office of Zachary W. Carter, Corporation Counsel of the City of New York, attorney for Defendant the Board of Education of the City School District of the City of New York, operating as the New York City Department of Education (“DOE”) in the above referenced action.

2. I submit this declaration in support of Defendant's motion to dismiss the complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure (“FRCP”), and in reply to Plaintiff's opposition to said motion, in order to place before the a Court public documents of which the Court may take judicial notice. Such documents are related to a case to which Plaintiff relies on in his opposition, *Cardinale v. NYC Dept/ of Educ.*, Index No. 85165/2017, (Richmond. Co. Sup. Ct., decided March 29, 2018). See Plaintiff's Opposition at p. 19-20. The Defendant annexes the following document in reply to Plaintiff's opposition:

Exhibit 1: Transcript of Oral Arguments in *Reyna Arroyo v. N.Y.C. Bd./Dept. of Educ.*, Index 100741/2018, (N.Y. Sup. Ct. Hagler, J., held Nov. 27 2018).

Exhibit 2: Decision in *Reyna Arroyo v. N.Y.C. Bd./Dept. of Educ.*, Index 100741/2018, (N.Y. Sup. Ct. Hagler, J., decided Nov. 27 2018).

Exhibit 3: Brief for Appellant in *Cardinale v. The New York City Dept. of Educ.*, Docket No. 2018-5875, (App. Div. 2d Dep't, signed Feb. 1 2019).

3. Defendants would like to call the Court's attention to p. 16-17 of Exhibit 1, in which Justice Hagler states regarding *Cardinale*:

...there's been countless decisions within the First Department... that are contrary to the determination of Justice Green sitting in the Second Department in Richmond County... There are many of my colleagues here in New York County that have ruled in that manner. That issue is no longer a disputed issue.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: New York, New York
May 6, 2019

By: /s/ Shaina Wood

Shaina Wood
Assistant Corporation Counsel